

HOUSE
AMENDMENT

THIS AMENDMENT
ADOPTED

RAVENEL/DOWNEY
MAY 5, 2022

CLERK OF THE HOUSE

REP. G.M. SMITH PROPOSES THE FOLLOWING AMENDMENT
No. TO S. 2 (COUNCIL\VR\2C005.NBD.VR22):

REFERENCE IS TO PRINTER'S DATE 3/17/22-S.

**AMEND THE BILL, AS AND IF AMENDED, BY
STRIKING ALL AFTER THE ENACTING WORDS AND
INSERTING:**

/ SECTION 1. ON JULY 1, 2024:

**(1)THERE IS CREATED THE DEPARTMENT OF
BEHAVIORAL AND PUBLIC HEALTH TO BE
HEADED BY A DIRECTOR WHO IS APPOINTED BY
THE GOVERNOR PURSUANT TO SECTION 1-30-10
WITH THE ADVICE AND CONSENT OF THE SENATE
AND WHO IS SUBJECT TO REMOVAL BY THE
GOVERNOR PURSUANT TO SECTION 1-3-240;**

PROVIDED, HOWEVER, UNTIL THE INITIAL DIRECTOR IS APPOINTED AND QUALIFIES, THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL SERVE AS THE DIRECTOR OF THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH. THE INTERIM DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR PURSUANT TO SECTION 1-3-240;

(2) THERE IS CREATED THE DEPARTMENT OF ENVIRONMENTAL SERVICES TO BE HEADED BY A DIRECTOR WHO IS APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 1-30-10 WITH THE ADVICE AND CONSENT OF THE SENATE AND WHO IS SUBJECT TO REMOVAL BY THE GOVERNOR PURSUANT TO SECTION 1-3-240; PROVIDED, HOWEVER, UNTIL THE INITIAL DIRECTOR IS APPOINTED AND QUALIFIES, THE DIRECTOR OF THE DIVISION OF ENVIRONMENTAL AFFAIRS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL SERVE AS THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES. THE INTERIM

DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR PURSUANT TO SECTION 1-3-240; AND

(3)THE SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL AND THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL—ARE ABOLISHED, AND THE TERMS OF ANY SITTING BOARD MEMBER OR COMMISSIONER ARE ENDED.

SECTION 2. (A) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CONSOLIDATE THE PROGRAMS, SERVICES, DUTIES, AND AUTHORITY OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE DEPARTMENT OF MENTAL HEALTH, AND THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES INTO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH OR THE DEPARTMENT OF ENVIRONMENTAL SERVICES. ACCORDINGLY, THE DEPARTMENT OF ADMINISTRATION SHALL ANALYZE THE CIRCUMSTANCES AND DETERMINE THE BEST MANNER TO EFFICIENTLY AND EFFECTIVELY REORGANIZE AND TRANSFER ALL PROGRAMS, SERVICES, DUTIES, AND AUTHORITY OF SUCH ABOLISHED AGENCIES TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH OR THE DEPARTMENT OF ENVIRONMENTAL SERVICES, CONSISTENT WITH THE PROVISIONS OF SECTION 1. THE DEPARTMENT SHALL PREPARE AN INITIAL REPORT OF ITS RECOMMENDATIONS BY JANUARY 15, 2023, WHICH IT SHALL PROVIDE TO THE GENERAL ASSEMBLY AND TO THE COMMITTEE ON IMPROVING BEHAVIORAL AND PUBLIC HEALTH AND ENVIRONMENTAL SERVICES CREATED PURSUANT TO SECTION 3, AND SHALL PROVIDE ITS FINAL REPORT TO THE GENERAL ASSEMBLY AND THE COMMITTEE ON IMPROVING BEHAVIORAL AND PUBLIC HEALTH AND ENVIRONMENTAL SERVICES BY MARCH 15, 2023. THE FINAL REPORT MUST INCLUDE

NECESSARY CHANGES AND CORRECTIONS TO THE 1976 CODE TO REFLECT THE RECOMMENDATIONS OF TRANSFERS OF AUTHORITY AND RESPONSIBILITY.

(B) THE DEPARTMENT OF ADMINISTRATION MAY PROCURE SUCH SUPPLIES, SERVICES, INFORMATION TECHNOLOGY, AND EXPERT, INCLUDING ATTORNEYS, AS ARE NECESSARY TO PERFORM THE REQUIREMENTS OF SUBSECTIONS (A) AND (B). SUCH PROCUREMENTS ARE EXEMPT FROM THE PURCHASING PROCEDURES OF THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE BUT MUST BE MADE WITH AS MUCH COMPETITION AS IS PRACTICABLE. ADDITIONALLY, IF DETERMINED NECESSARY, THE STATE FISCAL ACCOUNTABILITY AUTHORITY SHALL ASSIGN SUCH PERSONNEL AS REQUESTED BY THE EXECUTIVE DIRECTOR OF DEPARTMENT OF ADMINISTRATION TO ASSIST THE DEPARTMENT IN ANY REQUIRED PROCUREMENTS. THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE DEPARTMENT OF MENTAL HEALTH, AND THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES SHALL PAY THE COSTS OF ANY SUPPLIES, SERVICES, INFORMATION TECHNOLOGY, AND EXPERTS, INCLUDING ATTORNEYS, PROCURED PURSUANT TO THIS SUBSECTION.

SECTION 3. (A) THERE IS CREATED A COMMITTEE ON IMPROVING BEHAVIORAL AND PUBLIC HEALTH AND ENVIRONMENTAL SERVICES TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AS TO THE APPROPRIATE REORGANIZATION AND TRANSFER OF ALL PROGRAMS, SERVICES, DUTIES, AND AUTHORITY OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE DEPARTMENT OF MENTAL HEALTH, AND THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH OR THE DEPARTMENT OF ENVIRONMENTAL SERVICES. THE COMMITTEE SHALL CONSIDER THE REPORTS AND RECOMMENDATIONS OF THE DEPARTMENT OF ADMINISTRATION. MEMBERS OF THE COMMITTEE SHOULD INCLUDE REPRESENTATION OF INDIVIDUALS WITH

KNOWLEDGE AND EXPERTISE IN THE PROGRAMS AND SERVICES BEING TRANSFERRED TO AND DEVOLVED UPON NEW DEPARTMENTS OR AGENCIES AS WELL AS THE EFFECTIVE AND EFFICIENT OPERATION OF PUBLIC SYSTEMS AND SHALL INCLUDE:

(1) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(2) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE;

(3) ONE MEMBER APPOINTED BY THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE;

(4) ONE MEMBER APPOINTED BY THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE;

(5) ONE MEMBER APPOINTED BY THE CHAIRMAN OF THE HOUSE MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE;

(6) ONE MEMBER APPOINTED BY THE CHAIRMAN OF THE SENATE MEDICAL AFFAIRS COMMITTEE;

(7) ONE MEMBER APPOINTED BY THE HOUSE MAJORITY LEADER;

(8) ONE MEMBER APPOINTED BY THE HOUSE MINORITY LEADER;

(9) ONE MEMBER APPOINTED BY THE SENATE MAJORITY LEADER; AND

(10) ONE MEMBER APPOINTED BY THE SENATE MINORITY LEADER.

(B) THE COMMITTEE SHALL MEET AS SOON AS PRACTICABLE AFTER APPOINTMENT, BUT NO LATER THAN THE SUBMISSION OF THE DEPARTMENT OF ADMINISTRATION'S INITIAL REPORT, AND ORGANIZE ITSELF BY ELECTING ONE OF ITS MEMBERS AS CHAIRMAN AND SUCH OTHER OFFICERS AS THE COMMITTEE MAY CONSIDER NECESSARY. THEREAFTER, THE COMMITTEE MUST MEET AS NECESSARY TO FULFILL THE DUTIES REQUIRED BY THIS JOINT RESOLUTION AT THE CALL OF THE

CHAIRMAN OR BY A MAJORITY OF THE MEMBERS. A QUORUM CONSISTS OF SIX MEMBERS.

(C) THE COMMITTEE SHALL PREPARE A REPORT WITH RECOMMENDATIONS AND PROVIDE IT TO THE GENERAL ASSEMBLY BY JANUARY 15, 2024, CONSISTENT WITH THE PROVISIONS OF SECTION 1. THE REPORT MUST INCLUDE NECESSARY CHANGES AND CORRECTIONS TO THE 1976 CODE TO REFLECT THE TRANSFERS OF AUTHORITY AND RESPONSIBILITY.

SECTION 4. (A) WHEN THE PROVISIONS OF THIS ACT TRANSFER PARTICULAR STATE AGENCIES, DEPARTMENTS, BOARDS, COMMISSIONS, COMMITTEES, OR ENTITIES, OR SECTIONS, DIVISIONS, OR PORTIONS THEREOF (TRANSFERRING DEPARTMENTS), TO ANOTHER STATE AGENCY, DEPARTMENT, DIVISION, OR ENTITY OR MAKE THEM A PART OF ANOTHER DEPARTMENT OR DIVISION (RECEIVING DEPARTMENTS), THE EMPLOYEES, AUTHORIZED APPROPRIATIONS, BONDED INDEBTEDNESS IF APPLICABLE, REAL AND PERSONAL PROPERTY, ASSETS, AND LIABILITIES OF THE TRANSFERRING DEPARTMENT ALSO ARE TRANSFERRED TO AND BECOME PART OF THE RECEIVING DEPARTMENT OR DIVISION UNLESS OTHERWISE SPECIFICALLY PROVIDED. ALL CLASSIFIED OR UNCLASSIFIED PERSONNEL OF THE AFFECTED AGENCY, DEPARTMENT, BOARD, COMMISSION, COMMITTEE, ENTITY, SECTION, DIVISION, OR POSITION EMPLOYED BY THESE TRANSFERRING DEPARTMENTS ON THE EFFECTIVE DATE OF THIS ACT, EITHER BY CONTRACT OR BY EMPLOYMENT AT WILL, SHALL BECOME EMPLOYEES OF THE RECEIVING DEPARTMENT OR DIVISION, WITH THE SAME COMPENSATION, CLASSIFICATION, AND GRADE LEVEL, AS APPLICABLE. THE DEPARTMENT OF ADMINISTRATION SHALL CAUSE ALL NECESSARY ACTIONS TO BE TAKEN TO ACCOMPLISH THIS TRANSFER AND SHALL IN CONSULTATION WITH THE AGENCY HEAD OF THE TRANSFERRING AND RECEIVING AGENCIES PRESCRIBE THE MANNER IN WHICH THE TRANSFER PROVIDED FOR IN THIS SECTION SHALL BE ACCOMPLISHED. THE

DEPARTMENT OF ADMINISTRATION'S ACTION IN FACILITATING THE PROVISIONS OF THIS SECTION ARE MINISTERIAL IN NATURE AND SHALL NOT BE CONSTRUED AS AN APPROVAL PROCESS OVER ANY OF THE TRANSFERS.

(B) WHEN AN AGENCY, DEPARTMENT, ENTITY, OR OFFICIAL IS TRANSFERRED TO OR CONSOLIDATED WITH ANOTHER AGENCY, DEPARTMENT, DIVISION, ENTITY OR OFFICIAL, REGULATIONS PROMULGATED BY THAT TRANSFERRED AGENCY, DEPARTMENT, ENTITY OR OFFICIAL UNDER THE AUTHORITY OF FORMER PROVISIONS OF LAW PERTAINING TO IT ARE CONTINUED AND ARE CONSIDERED TO BE PROMULGATED UNDER THE AUTHORITY OF PRESENT PROVISIONS OF LAW PERTAINING TO IT. WHEN POWERS AND DUTIES OF AN AGENCY, DEPARTMENT, ENTITY, OR OFFICIAL ARE TRANSFERRED TO AND DEVOLVED UPON ANOTHER DEPARTMENT, AGENCY, OR SUBDIVISION THEREOF, THE POWER AND DUTY TO PROMULGATE REGULATIONS IS ALSO TRANSFERRED TO AND DEVOLVED UPON THAT DEPARTMENT, AGENCY, OR SUBDIVISION THEREOF.

SECTION 5. THIS ACT TAKES EFFECT UPON APPROVAL BY THE GOVERNOR. /

RENUMBER SECTIONS TO CONFORM.

AMEND TITLE TO CONFORM.